

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

RHODE ISLAND LFG GENCO, LLC
Employer

and

Case 01-RC-208704

INTERNATIONAL BROTHERHOOD OF
TEAMSTERS LOCAL 251
Petitioner

ORDER

The Employer's request for review of the Acting Regional Director's Supplemental Decision on Challenged Ballot and Certification of Representative is denied as it raises no substantial issues warranting review.¹ The Employer's Motion to Stay the Regional Director's Certification of Representative is also denied.²

JOHN F. RING, CHAIRMAN

MARVIN E. KAPLAN, MEMBER

WILLIAM J. EMANUEL, MEMBER

Dated, Washington, D.C., November 7, 2018.

¹ In denying review, we do not rely on the Acting Regional Director's characterization of the day utility technicians' work as limited to routine, preventive maintenance. Nevertheless, even assuming that the day utility technicians perform some complex or skilled maintenance, we agree that their interests are "sufficiently distinct" from the maintenance-department technicians to warrant their exclusion from the petitioned-for unit. *PCC Structural, Inc.*, 365 NLRB No. 160, slip op. at 5 (2017). The Acting Regional Director's other factual findings—that the maintenance technicians are in a separate department; are separately supervised; have no interchange and little contact with the day utility technicians—are amply supported by the record, and warrant a finding that the maintenance-department technicians constitute an appropriate, separate unit for collective bargaining purposes under Sec. 9(b) of the Act. See *United Operations, Inc.*, 338 NLRB 123 (2002) (petitioned-for unit of HVAC technicians, excluding other field service employees, deemed appropriate given their separate department, minimal interchange and contact, and other community of interest factors).

² We express no view with respect to whether we agree or disagree with revisions made to the Board's Election Rule, but we agree that it applies here and warrants denial of the Employer's motion to stay the certification of representative.